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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV-A

Rules and Orders (Other than those published in Parts I, I-A, and I-L) made by the Government of Gujarat under the Central Acts

FOOD, CIVIL SUPPLIES AND CONSUMER AFFAIRS DEPARTMENT

ORDER

Sachivalaya, Gandhinagar, 25th July, 2025

ESSENTIAL COMMODITIES ACT, 1955.

No. GTH/2025/15/FCSCAD/VBD/e-file/5/2025/0664/C: WHEREAS the Government of Gujarat is of the opinion that it is necessary and expedient so to do for maintaining supplies, securing availability and distribution of essential commodities under the Public Distribution System.

WHEREAS The Central Government has issued the Targeted Public Distribution System (Control) Order 2015 for the said purpose.

NOW, THEREFORE, In exercise of the powers conferred by section 3 of the under of the Essential Commodities Act, 1955 (10 of 1955) and read with clause 9 of the Targeted Public Distribution System (Control) Order 2015 and in supersession of the Government Order, Food, Civil Supplies and Consumer Affairs Department No. GTH/2004/8/ PDS/10/2001/ GOI/121/C, dated the 31st May, 2004, the Government of Gujarat hereby makes the following order, namely:-

1. Short title, extent and commencement.

(1) This Order may be called the Gujarat Essential Commodities (Licensing of Fair Price Shops) Order, 2025.

(2) It extends to the whole of the State of Gujarat.

(3) It shall come into force from the date of its publication in the *Official Gazette.*

2. Definition.

(1) In this order unless the context otherwise requires, -

(a) "Act" means the Essential Commodities Act, 1995 (10 of 1955);

(b) "Appellate Authority" means the officer specified in sub-clause (1) of clause 12 for the purpose of hearing appeals and exercising the power of an appellate authority against licensing authority.

(c) "Fair Price Shops" means a shop which has been licensed to distribute essential commodities by an order issued under Section 3 of the Essential Commodities Act, 1955, to the beneficiaries under the Targeted Public Distribution System.

(d) "License" means the official document issued by the Licensing Authority for the distribution of essential commodities through Fair Price Shops to eligible beneficiaries under the Public Distribution System.

(e) "Licensee" means a person and includes a co-operative society or a body corporate or a company of a State Government, Gram Panchayat, or any other body in whose name a shop has been licensed to distribute essential commodities under the Public Distribution System.

(f) "Licensing Authority" means

(i) In relation to the city of Ahmedabad as constituted under the Gujarat Provincial Municipal Corporation Act, 1949, the Deputy Controller, Food and Civil Supplies.

(ii) In relation to any other area, the District Supply Officer of his general jurisdiction; and

(iii) In relation to such area as the State Government may specify, any other officer appointed by the State Government as the licensing authority in addition to the licensing authority mentioned above under clause (i) and (ii).

(2) The words and expressions not defined in this Order but defined in the Essential Commodities Act, 1955 and the National Food Security Act, 2013, rules/Orders made thereunder shall have the same meaning under Acts, Rules and Orders.

3. Procedure for Allotment of Fair Price Shops.

The State Government shall decide the procedure for allotment of the fair price shops.

4. Licensing of Fair Price Shop.

(1) No person shall carry on the business of a fair price shop except under and in accordance with the terms and conditions of a license issued under this Order.

(2) Notwithstanding anything contained in this Order, a person who holds a license under before the commencement of this Order holds a valid license; such license shall be deemed to be a license issued under this Order is entitled to carry on business as a licensee.

5. Issue of License.

(1) Every application for the issuing, re-issuing, or renewal of the license shall be prescribed by the State Government.

(2) Every license shall be issued, re-issued or renewed in the format prescribed by State Government.

(3) Every license issued under this Order shall be non-transferable.

6. Duration of License and Chargeable Fee.

(1) Every license issued under this Order shall be valid for a period of three years from the date of First January of the year in which it is issued and may be renewed for a period of three years if an application for the renewal thereof is made within a period of its validity.

(2) The licensee has to apply for license renewal as per the procedure prescribed by the government, within 90 days before the license expiry.

Provided that if the license validity gets completed it shall deemed to be cancellation of license.

(3) In case of license is lost, destroyed or defaced, the licensee may apply to obtain in duplicate license from the licensing authority.

(4) The fees for the license shall be charged as mentioned below in Table A. The fess paid for license shall not be refund in any circumstances.

Table-A

(Fees for license)

Sr. No.	Particulars	Fees Rs.
(1)	(2)	(3)
1	New License	1000
2	Renewal of License	500
3	Duplicate copy of License	100

7. Security Deposit.

Every person applying for a license under this Order shall deposit Rs.25,000/- (Rupees Twenty Five Thousand), as the State Government prescribes from time to time.

Upon due compliance by the licensee of all terms and conditions of the license, the amount of security or such part their thereof which is not forfeited under clause- 11 shall be returned to the licensee under after the termination of the license by the licensing authority.

The procedure for deposition of security shall be prescribed by the State Government.

8. Power to Refuse License.

(1) The licensing authority may, after examining the merits of the case, refuse to issue or renew a license after giving the applicant reasonable opportunity of being heard and after record the reasons in writing.

(2) The licensing authority may refuse to issue or renew a license if—

(a) The applicant appears to be a minor or insane or of unsound mind; or

(b) The applicant becomes insolvent; or

(c) If the applicant has been convicted under this Act.

9. Suspension or Cancellation of License for Violation of Order or License Conditions.

(1) Any holder to whom a license has been issued under this Order shall not violate any of the terms and conditions of the license issued to him and the provisions of the Targeted Public Distribution System (Control) Order, 2015 or the Essential Commodities Act, 1955 prescribed by the Central Government and State Government, or any provisions of any laws/ orders/ rules/ resolutions/ circulars or any other provisions made by the Central Government and State Government and if any such licensee contravenes any of the terms of conditions then, without prejudice to any of the action that may be taken against him, his license may be cancelled or suspended by an order of the licensing authority in writing.

(2) If any license holder has been convicted by a court of law under any other offence, without prejudice to any action that may be taken against him, the licensing authority may, by order in writing, cancel or suspend his license after giving reasonable opportunity.

(3) The licensing authority is *prima facie* observed that the case warrants cancellation of the license, and if so, after recording the reasons in writing, the license will be suspended for a period not exceeding 90 days and attain finality during such period.

10. Cancellation of License in case of Violation of Orders under the Act.

Notwithstanding the reasons mentioned in Clause 9, the licensee may be found guilty by a court of law or by Authority for violating any order made under Section 3 of the Act; the licensing authority may cancel his license by issuing a written order.

11. Confiscation of security deposit.

Without prejudice to the provisions of Clause-9, if the licensing authority is satisfied that the licensee has contravened any of the provisions of this Order or any terms or conditions of the license and confiscation of the security deposit is necessary, in such case, after giving the licensee a reasonable opportunity of presenting his case against such confiscation, the authority may, by order, confiscate the whole or any part of the security deposit deposited by the licensee and send a copy of such order to the licensee.

12. Appeal.

(1) In case of refusal to issue, re-issue, renew, revoke, or suspend the license of the licensee or confiscation of the security deposit of the licensee, the aggrieved person shall, within thirty days from the date of receipt of such order, may file an appeal.

(i) If the licensing authority making such an order, other than metropolitan city of Ahmedabad and of rank below the Collector, then the appeal may be filed to the Collector,

(ii) If the licensing authority making such an order is of the rank of Deputy Food Controller, Ahmedabad City in metropolitan city of Ahmedabad, then an appeal shall be filed before the Controller of the Food and Civil Supplies, Ahmedabad City, against the order of the Deputy Food Controller, Ahmedabad City.

(iii) If the licensing authority making such an order is of the rank of Joint Director or Deputy Director of Civil Supplies, then the appeal may be filed to the Director of Civil Supplies, Gujarat State.

(iv) When the licensing authority making such an order is of the rank of the Collector, then an appeal may be made to the State Government:

(2) No order shall be made in appeal unless the aggrieved person has been given the reasonable opportunity to present his case.

(3) During the pendency of appeal, appellate authority may pass any order depending upon the merits of the case.

13. Revision.

(1) The State Government may call for and inspect the records in any proceeding of the licensing authority, the Collector, the Controller of Food and Civil Supplies Ahmedabad City, or as the case may be, the Director, Joint Director or Deputy Director of Civil Supplies. And if it satisfies as to the legality or propriety of any order passed in the course of such proceedings or the regularity of such proceedings-

The State Government may correct, revoke, or make changes in such orders or proceedings as case may be.

Provided that no final order shall be made under this clause without giving a reasonable opportunity to present his case.

(2) Provided that during the pendency of re-investigation proceedings under this clause, the State Government may make an order as per the merit of the case.

Provided further that the confiscation order for the security deposit will not come into effect until a final order is given.

14. Duties and Responsibilities of the Licensee of the Fair Price Shop:

The duties and responsibilities of the licensee of the Fair Price Shop shall be as follows:

(1) The licensee of a fair price shop shall sell the essential commodities available to the ration card holder at the retail price fixed by the Central Government and the State Government under the public distribution system.

(2) Every licensee of a fair price shop shall display the following information daily on a notice board at a prominent place in his shop.

(a) List of eligible beneficiaries under the public distribution system as may be prescribed by the State or Central Government from time to time;

(b) Quantity of essential commodities to be obtained;

(c) Amount of distribution (how much will be distributed);

(d) Selling Price fixed by the Central Government and the State Government;

(e) Opening and closing hours of fair price shops;

(f) Details of the hours of operation of the shop and the quantity of essential commodities procured during that month;

(g) Daily details of opening and closing stock of essential commodities;

(h) Details relating to lodging of complaints regarding quality and quantity of essential commodities under public distribution system such as designation and address of Dispute Redressal Authorities; and

(i) Such details as may be prescribed by the State Government from time to time.

(3) Every licensee of a Fair Price Shop shall maintain the following registers.

a) Maintain the record of ration card holders.

b) A stock register showing the opening balance of the actual quantity on that day, the quantity obtained during the day and the source from which the quantity was obtained. A stock register showing correct information regarding the distribution of stock or stock otherwise removed and closing balance of essential commodities, etc.

c) Allotment or sale form and records as prescribed by the Government from time to time, and it has to be carried out in the form prescribed by the Government from time to time.

(4) Every licensee of a fair price shop shall furnish the details of the actual distribution of essential commodities and the accounts of the existing stock to the authorized officer of the State Government and shall furnish a copy thereof to the Panchayat or Municipality by 5th day of the next month.

(5) A sample of the quantity of food grains distributed by fair price shops should be displayed.

(6) Where the licensee of a fair price shop has a quantity of essential commodities under the public distribution system, the supply to which the ration card holders are entitled shall not be refused.

(7) The licensee of a fair price shop shall not retain the ration card after the distribution of essential commodities, nor any personal data, including biometric data of any beneficiary.

(8) The licensee of the fair price shop shall furnish the extract of the relevant records maintained by him to the beneficiary on payment of a fee of Rs. 2 (Rupees Two) per page within fourteen days from the date of receipt of the request.

(9) A licensee of a fair price shop who-

(a) Does not keep his shop open on a regular basis for the prescribed period.

(b) Charges the beneficiaries a rate higher than the rate fixed by the Government;

(c) Keeps the ration cards of the beneficiaries;

(d) Makes false entries in the ration card of beneficiaries;

(e) engages in activities other than the distribution of essential commodities to the beneficiaries at prices prescribed by the Central Government and the State Government, selling food grains in the open market, handing over the fair price shops to any other person or organization, and violates the terms and conditions of the issued license;

his license may be cancelled or suspended after giving a reasonable opportunity of being heard.

Provided that to include the viability of the fair price shop operations, the State government may allow to sell commodities other than food grains under the Targeted Public Distribution System.

15. Protection of action taken under this Order in good faith.

No suit, prosecution, or other legal proceeding shall lie against any person for anything which is done or intended to be done in good faith in pursuance of this Order.

16. Power of the State Government to give directions.

The State Government may give such directions as it deems necessary for executing all or any of the provisions of this Order.

17. Repeal and Savings.

Gujarat Essential Commodity (Licensing of Fair Price Shops) Order, 2004 is hereby repealed:

Provided that such repeal shall not affect-

(a) the previous operation of any of the said Order or anything duly done under the said Order;

(b) any right, privilege, obligation, or liability acquired, accrued, or incurred under any of the said Order;

(c) any penalty, forfeiture, or punishment incurred in respect of any offence committed against any of the said Order; or

(d) any investigation, legal proceedings, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid, and such investigation, legal proceedings, or remedy may be instituted, continued, or enforced, and such penalty, forfeiture or punishment may be imposed.

By order and in the name of the Governor of Gujarat,

J. A. GAMIT,

Deputy Secretary to Government.

Signature Not Verified
Signed by:BHOLUSINGH G THAKUR
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